

Remarks/Arguments

It is assumed that a copy of the certified copy of the priority document has been received in this National Stage application from the International Bureau. In the absence of an indication to the contrary, receipt of such a copy is assumed, and applicants respectfully solicit acknowledgment of this receipt. Otherwise, the Examiner is respectfully requested to indicate the need for submitting a certified copy.

The specification and abstract have been formally amended to comply with the Examiner's suggestions.

Claims 21-36 have been amended to provide proper antecedent basis for all positively recited features and to avoid optional expressions, as well as to improve their form. Referring specifically to claims 26 and 28, it should be noted that claim 28, as well as claim 26, depends on claim 22. Therefore, it appears to be proper to refer in both claims to a guide body.

Claims 37-40 have been replaced by claims 41-43, which recite the method steps involved in mounting the device of claim 21.

Rejection of claims 21-36 and 41-43 under 35 U.S.C. 103(a) as being unpatentable over Axgarde et al, the primary reference, in view of Rousch et al and Ferns, the secondary references, is respectfully traversed. The secondary references being cited only against some features set forth in dependent claims 22-36, the sole independent device claim 21 stands rejected on the Axgarde et al patent.

As pointed out in col. 2, lines 46-48, of Axgarde et al, the reference numeral 4 does not designate a plate shaped dragging plate but "asphalt or surfacing material," equivalent to layer 3 of applicants. Asphalt or surfacing material layer 4 is not connected to closing means frame 5a, 5b and does not project horizontally into the ground structure below carrying layer 3. In other words, nothing suggesting applicant's plate-shaped dragging body 6 is suggested by Axgrade et al. The patentees do not suggest a device for equalizing changes in level between a ground area surface and a frame for closing means of a manhole. Axgrade et al deal with an adjustable manhole frame assembly comprising a bottom frame 2 in which an upper telescoped frame 5a, 5b can be fixed by screws 6 enabling the upper frame and its cover may be axially and angularly oriented in relation to the surface of ground structure layer 4. It suggests nothing like a plate-shaped dragging body which transfer changes in level between the ground area surface and

the closing means frame to the closing means frame.
Accordingly, claims 21 is respectfully submitted to be patentable.

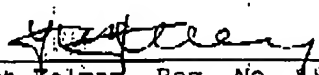
Rousch et al's annular base member 4 is the bottom part of their closing means frame and inwardly projecting flange 24 supports ring member 32 on which cover 32 rests. None of these elements suggests anything resembling the claimed dragging body. Rousch et al and Ferns may suggest some features recited in dependent claims but neither reference, alone or in combination with the primary reference, suggests the claimed plate-shaped dragging plate. The dependent claims are believed to be allowable with claim 21, whereon they depend.

As to the method claims, the Examiner has not alleged that the claimed mounting steps are obvious from the references. Accordingly, claims 41-43 are respectfully submitted to the patentable.

A sincere effort having been made to overcome all grounds of rejection, favorable reconsideration and allowance of claims 21-36 and 41-43 are respectfully solicited.

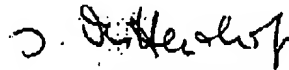
Respectfully submitted,

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I hereby certify that this correspondence is being sent by telefax to the US PTO, Fax No.:
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